

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

09-862-MHP

FILED
OCT -1 PM 3:16
RICHARD W. BUEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

DONALD DANIELS,
MARTIN WILLIAM WASHBURN,
TAPANI KOIVUNEN,
IRINA REBEGENEAU, and
SERGEI VLADIMIROVICH SHKURKIN

ISSUE SUMMONS

oct 19
930 hysa

DEFENDANT(S).

SUPERSEDING INDICTMENT

18 U.S.C. § 1349 – Conspiracy to Commit Mail and Wire Fraud
18 U.S.C. § 1343 – Wire Fraud
18 U.S.C. § 1956(h)–Conspiracy to Commit Money Laundering
18 U.S.C. §§ 1956(a)(2)(A) and 2–Money Laundering and Aiding and Abetting
18 U.S.C. § 894–Conspiracy to Collect Extensions of Credit by Extortionate Means
18 U.S.C. §§ 894 and 2–Use of Extortionate Means to Collect Extensions of Credit

A true bill.

Lynnda Benjamin
Foreman

Filed in open court this 1 day of

October, 2009

Brenda Tolbert
BRENDA TOLBERT
Clerk

Bail, \$ _____

Maria Elena James
Maria Elena James
United States Chief Magistrate Judge

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

See attached

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY:

See attached

Name of District Court, and/or Judge/Magistrate Location

 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION
DEFENDANT - U.S.

DONALD DANIELS

DISTRICT COURT NUMBER

CR 09-00862 MHP

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI, Ken Bagchi

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a pending case involving this same defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Christine Wong/Peter Axelrod

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)
- ☐
- If not detained give date any prior summons was served on above charges n/a
-
- 2)
- ☐
- Is a Fugitive
-
- 3)
- ☒
- Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY

- 4)
- ☐
- On this charge
-
- 5)
- ☐
- On another conviction }
- ☐
- Federal
- ☐
- State
-
- 6)
- ☐
- Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☒ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

Bail Amount: None

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: 10/19/2009 at 9:30 a.m. Before Judge: Elizabeth D. Laporte

Comments:

Penalties

Count One: 18 U.S.C. § 1349 – Conspiracy to Commit Mail and Wire Fraud

1. Imprisonment: Maximum 30 years
2. Fine: Maximum \$1,000,000
3. Supervised release: 5 years
4. Special assessment: \$100

Count Five: 18 U.S.C. § 1343 – Wire Fraud

1. Imprisonment: Maximum 30 years
2. Fine: Maximum \$1,000,000
3. Supervised release: 5 years
4. Special assessment: \$100

Count Six: 18 U.S.C. § 1343 – Wire Fraud

1. Imprisonment: Maximum 30 years
2. Fine: Maximum \$1,000,000
3. Supervised release: 5 years
4. Special assessment: \$100

Count Seven: 18 U.S.C. §1956(h) – Conspiracy to Commit Money Laundering

1. Imprisonment: Maximum 20 years
2. Fine: Maximum \$500,000
3. Supervised release: 3 years
4. Special assessment: \$100

Count Eight: 18 U.S.C. §§1956(a)(2)(A) and 2 – Money Laundering and Aiding and Abetting

1. Imprisonment: Maximum 20 years
2. Fine: Maximum \$500,000
3. Supervised release: 3 years
4. Special assessment: \$100

Count Nine: 18 U.S.C. §§1956(a)(2)(A) and 2 – Money Laundering and Aiding and Abetting

1. Imprisonment: Maximum 20 years

2. Fine: Maximum \$500,000
3. Supervised release: 3 years
4. Special assessment: \$100

Count Ten: 18 U.S.C. § 894—Conspiracy to Collect Extensions of Credit by Extortionate Means

1. Imprisonment: Maximum 20 years
2. Fine: Maximum \$500,000
3. Supervised release: 3 years
4. Special assessment: \$100

Count Eleven: 18 U.S.C. §§ 894 and 2—Use of Extortionate Means to Collect Extensions of Credit

1. Imprisonment: Maximum 20 years
2. Fine: Maximum \$500,000
3. Supervised release: 3 years
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AO 257 (Rev. 6/78)

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 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

See attached

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY:

See attached

Name of District Court, and Judge/Magistrate Location

 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION
DEFENDANT - U.S.

MARTIN WILLIAM WASHBURN

DISTRICT COURT NUMBER

CR 09-00862 MHP

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI, Ken Bagchi

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District

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SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Christine Wong/Peter Axelrod

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior summons was served on above charges n/a
2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

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☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

Bail Amount: None

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: 10/19/2009 at 9:30 a.m. Before Judge: Elizabeth D. Laporte

Comments:

Penalties

Count One: 18 U.S.C. § 1349 – Conspiracy to Commit Mail and Wire Fraud

1. Imprisonment: Maximum 30 years
2. Fine: Maximum \$1,000,000
3. Supervised release: 5 years
4. Special assessment: \$100

Count Two: 18 U.S.C. § 1343 – Wire Fraud

1. Imprisonment: Maximum 30 years
2. Fine: Maximum \$1,000,000
3. Supervised release: 5 years
4. Special assessment: \$100

Count Three: 18 U.S.C. § 1343 – Wire Fraud

1. Imprisonment: Maximum 30 years
2. Fine: Maximum \$1,000,000
3. Supervised release: 5 years
4. Special assessment: \$100

Count Four: 18 U.S.C. § 1343 – Wire Fraud

1. Imprisonment: Maximum 30 years
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3. Supervised release: 5 years
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Count Seven: 18 U.S.C. §1956(h) – Conspiracy to Commit Money Laundering

1. Imprisonment: Maximum 20 years
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Count Eight: 18 U.S.C. §§1956(a)(2)(A) and 2 – Money Laundering and Aiding and Abetting

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Count Ten: 18 U.S.C. § 894—Conspiracy to Collect Extensions of Credit by Extortionate Means

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Count Eleven: 18 U.S.C. §§ 894 and 2—Use of Extortionate Means to Collect Extensions of Credit

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AO 257 (Rev. 6/78)

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See attached

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☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

See attached

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

TAPANI KOIVUNEN

DISTRICT COURT NUMBER

CR 09-00862 MHP

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

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☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. ATTORNEY ☐ DEFENSESHOW
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CASE NO.☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Christine Wong/Peter Axelrod

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Has detainer been filed? ☐ Yes ☐ No

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Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

IRINA REBEGENEAU

DISTRICT COURT NUMBER

CR 09-00862 MHP

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Attorney (if assigned)

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Northern District of California

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Name of District Court and/or Judge/Magistrate Location

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 SAN FRANCISCO DIVISION
DEFENDANT - U.S.
 SERGEI VLADIMIROVICH SHKURKIN

 DISTRICT COURT NUMBER
 CR 09-00862 MHP
PROCEEDING

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 Name of Assistant U.S.
 Attorney (if assigned) Christine Wong/Peter Axelrod
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Date/Time: 10/6/2009 at 9:30 a.m. Before Judge: Elizabeth D. Laporte

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1. Imprisonment: Maximum 20 years
2. Fine: Maximum \$500,000
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Count Eleven: 18 U.S.C. §§ 894 and 2–Use of Extortionate Means to Collect Extensions of Credit

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FILED
09 OCT -1 PM 3:13
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

v.

DONALD DANIELS,
MARTIN WILLIAM WASHBURN,
TAPANI KOIVUNEN,
IRINA REBEGENEAU, and
SERGEI VLADIMIROVICH SHKURKIN,

Defendants.

No. CR 09-0862 MHP

SUPERSEDING INDICTMENT

VIOLATIONS: 18 U.S.C. §
1349—Conspiracy to Commit Mail and Wire
Fraud; 18 U.S.C. § 1343—Wire Fraud; 18
U.S.C. § 1956(h)—Conspiracy to Commit
Money Laundering; 18 U.S.C. §§
1956(a)(2)(A) and 2—Money Laundering and
Aiding and Abetting; 18 U.S.C. §
894—Conspiracy to Collect Extensions of
Credit by Extortionate Means; 18 U.S.C. §§
894 and 2—Collect Extensions of Credit by
Extortionate Means; 18 U.S.C. §
981(a)(1)(C), 28 U.S.C. §
2461(c)—Forfeiture of Fraud Proceeds; 18
U.S.C. § 982(a)—Money Laundering
Forfeiture

SUPERSEDING INDICTMENT

The Grand Jury charges:

INTRODUCTION

At all times relevant to this Indictment:

1. The Overseas Private Investment Corporation ("OPIC") was a United States

1 governmental agency, located in Washington, D.C., whose mission was to encourage U.S.-based
2 companies to invest in overseas business projects. To do so, OPIC provided, among other things,
3 loans to small businesses for investments in overseas projects. To qualify for a small business
4 loan, the U.S. business, also called the "U.S. Sponsor," had to own at least 25% of the overseas
5 project. To apply for a small business loan, the borrower had to submit an application form,
6 including a detailed business plan and cash flow projections, and each sponsor of the borrower
7 had to complete and submit a Sponsor Disclosure Report.

8 2. Golden Sierra Partners, LLC ("GSP"), was a company established under the laws
9 of the State of Nevada. According to corporate records, the company was 50.46% owned by
10 FoodPro International, Inc. ("FoodPro"), 35.78% owned by AS Vahenurme Agro ("ASV"), a
11 company established in Estonia, and 13.76% owned by Golden Sierra Management, LLC
12 ("GSM"). FoodPro's offices were in Stockton, California, and San Jose, California.

13 3. According to submissions made to OPIC, GSP's purpose was to establish a state-
14 of-the-art milling and bakery operation in Estonia. GSP was to be capitalized by approximately
15 \$16.5 million. \$8.9 million of the capital would be provided by a small business loan from OPIC
16 to GSP. The remaining \$7.6 million would be equity investment contributions from FoodPro,
17 ASV, and GSM (collectively, "GSP's Members"). For the purposes of the OPIC loan, FoodPro
18 was the U.S. sponsor of GSP.

19 The Defendants

20 4. MARTIN WILLIAM WASHBURN was the founder and president of FoodPro
21 and the corporate secretary of GSP. IRINA REBEGENEAU was a project manager/engineer at
22 FoodPro.

23 5. TAPANI KOIVUNEN was the chief executive officer ("CEO") of GSM and
24 chairman and CEO of GSP.

25 6. DONALD DANIELS was managing member of the Eagle Jack Group and
26 authorized agent of Treston Enterprises.

27 7. SERGEI VLADIMIROVICH SHKURKIN was a member of Sergei Shkurkin and
28 Associates, LLC.

1 COUNT ONE: [18 U.S.C. § 1349 – Conspiracy to Commit Mail and Wire Fraud]

2 The Conspiracy

3 8. Beginning on a date unknown to the Grand Jury, but no later than March 2003,
4 and continuing up through and including May 2005, in the Northern District of California and
5 elsewhere, the defendants,

6
7 DONALD DANIELS,
8 MARTIN WILLIAM WASHBURN,
9 TAPANI KOIVUNEN,
10 IRINA REBEGENEAU, and
11 SERGEI VLADIMIROVICH SHKURKIN,

12 and others known and unknown to the Grand Jury, did knowingly conspire to commit offenses
13 against the United States, to wit: (1) mail fraud, in violation of Title 18, United States Code,
14 Section 1341 and (2) wire fraud, in violation of Title 18, United States Code, Section 1343.

15 Objects of the Conspiracy

16 Mail Fraud

17 9. It was a part and object of the conspiracy that DANIELS, WASHBURN,
18 KOIVUNEN, REBEGENEAU and SHKURKIN, and others known and unknown to the Grand
19 Jury, having devised and intending to devise a material scheme and artifice to defraud, and to
20 obtain money and property by means of materially false and fraudulent pretenses,
21 representations, and promises, did cause to be delivered matters and things by mail and private or
22 commercial interstate carrier for the purpose of executing such scheme and artifice, all in
23 violation of Title 18, United States Code, Section 1341.

24 Wire Fraud

25 10. It was also a part and object of the conspiracy that DANIELS, WASHBURN,
26 KOIVUNEN, REBEGENEAU, and SHKURKIN, and others known and unknown to the Grand
27 Jury, having devised and intending to devise a material scheme and artifice to defraud, and to
28 obtain money and property by means of materially false and fraudulent pretenses,
representations, and promises, did transmit and cause to be transmitted by means of wire

1 communications in interstate and foreign commerce, writings, signs, signals, pictures, and sounds
2 for the purpose of executing such scheme and artifice, all in violation of Title 18, United States
3 Code, Section 1343.

4 The Scheme to Defraud

5 11. Beginning on a date unknown to the Grand Jury, but no later than March 2003,
6 and continuing up through and including May 2005, DANIELS, WASHBURN, KOIVUNEN,
7 REBEGENEAU, and SHKURKIN, and others known and unknown to the Grand Jury,
8 orchestrated a fraudulent scheme to defraud OPIC and to obtain a loan of approximately \$9.4
9 million from OPIC to fund GSP.

10 12. To obtain the loan from OPIC, the defendants submitted to OPIC documents with
11 materially false and fraudulent representations, including, among others: (1) that GSP's Members
12 would provide GSP with approximately \$7.6 million in equity, including approximately \$3.8
13 million in cash from FoodPro and approximately \$700,000 in cash from ASV; (2) that the cost
14 estimates for equipment set forth in the financial plan would be accurate; and (3) that FoodPro
15 had no related companies. In so doing, the defendants made the following material omissions,
16 among others: (1) what was represented to be cash equity in GSP was actually a loan from
17 DANIELS; (2) the amount spent by GSP on equipment would be far less than what was reported;
18 and (3) the purchase of equipment for GSP would not be arms-length transactions between
19 unrelated parties.

20 13. In addition to the material misrepresentations and omissions set forth in paragraph
21 12, the defendants also made the following material misrepresentations and omissions, among
22 others, to obtain the loan disbursements from OPIC: they (1) provided to OPIC falsified invoices
23 that contained inflated equipment prices and that concealed the close relationship of the
24 companies involved in the underlying transactions; (2) withheld bank statements from OPIC that
25 would have demonstrated that the cash equity was immediately returned to DANIELS; (3) made
26 false assurances to OPIC regarding the progress of the project; and (4) affirmed and reaffirmed
27 the accuracy of the completeness and truthfulness of their disclosures to OPIC.

28 14. OPIC made loan disbursements to GSP by wire transfers of money, which were

1 processed through San Francisco, California, to GSP's bank account in San Jose, California.

2 Overt Acts

3 15. In furtherance of the conspiracy and to effect its illegal objects, DANIELS,
4 WASHBURN, KOIVUNEN, REBEGENEAU, and SHKURKIN, the defendants, committed the
5 following overt acts, among others, in the Northern District of California and elsewhere:

6 (a) On or about March 14, 2003, WASHBURN sent to OPIC an application
7 for a loan from OPIC to GSP.

8 (b) On or about May 2, 2003, WASHBURN sent by facsimile from San Jose,
9 California to OPIC, a letter of intent from DANIELS to invest up to \$3.8 million in GSP.

10 (c) On or about May 2, 2003, KOIVUNEN sent by electronic mail to OPIC a
11 description of the proposed equity from GSP's Members.

12 (d) In or about June 2003, DANIELS, WASHBURN, KOIVUNEN and
13 SHKURKIN attended a meeting in Stockton, California, and discussed, among other things, the
14 cash equity contribution to and the budget for GSP.

15 (e) On or about June 13, 2003, WASHBURN sent by facsimile from San Jose,
16 California, to OPIC, with copies to KOIVUNEN, DANIELS and SHKURKIN, a retainer letter
17 agreement.

18 (f) On or about September 25, 2003, OPIC and GSP entered into a loan
19 agreement by which GSP would receive approximately \$9.4 million.

20 (g) From on or about September 22, 2003, to and including on or about
21 October 29, 2003, DANIELS transferred, or caused to be transferred, a total of approximately
22 \$3.8 million by five wire transfers from an account held at Charles Schwab in San Francisco,
23 California (the "Schwab Account"), to GSP's bank account held at Wells Fargo in San Jose,
24 California (the "Golden Sierra Account"), representing FoodPro's cash equity interest in GSP.

25 (h) On or about October 20, 2003, REBEGENEAU sent by facsimile and by
26 mail from Stockton, California, to OPIC documents for Golden Sierra's First Disbursement
27 Application, signed by WASHBURN.

28 (i) On or about November 3, 2003, and on or about November 11, 2003,

1 DANIELS transferred, or caused to be transferred, a total of approximately \$700,000 by two wire
2 transfers from the Schwab Account to ASV's bank account held at Nordea Bank in Estonia,
3 representing ASV's equity interest in GSP.

4 (j) On or about December 2, 2003, WASHBURN sent a letter from San Jose,
5 California, to OPIC, detailing information necessary to complete the loan documentation,
6 including ostensibly documentation of equipment purchases and evidence of wire transfers
7 representing the alleged cash equity contributions from GSP's Members.

8 (k) On or about December 24, 2003, OPIC wired the first loan disbursement
9 of approximately \$4.2 million, which was processed through San Francisco, California, to GSP's
10 bank account in San Jose, California.

11 (l) On or about December 24, 2003, DANIELS sent an e-mail to
12 REBEGENEAU regarding a draft of GSP's financial plan.

13 (m) On or about September 2, 2004, WASHBURN sent by facsimile from
14 Stockton, California, to OPIC, a progress report dated August 31, 2004, regarding GSP.

15 (n) On or about September 3, 2004, WASHBURN sent by facsimile from
16 Stockton, California, to OPIC, the second disbursement request.

17 (o) On or about October 19, 2004, OPIC wired the second loan disbursement
18 of approximately \$3.7 million, which was processed through San Francisco, California, to GSP's
19 bank account in San Jose, California.

20 (p) On or about February 28, 2005, WASHBURN sent an e-mail to OPIC
21 regarding OPIC's tour of GSP's facilities in Estonia.

22 (q) On or about March 21, 2005, WASHBURN sent by facsimile from
23 Stockton, California, to OPIC, a letter providing an explanation for a wire transfer of \$810,000 to
24 KOIVUNEN and providing an accounting of the second disbursement from OPIC.

25 All in violation of Title 18, United States Code, Section 1349.

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COUNTS TWO THROUGH FOUR: [18 U.S.C. § 1343 – Wire Fraud]

16. The allegations contained in paragraphs 1 through 15 are repeated and realleged as though fully set forth herein.

17. On or about the dates set forth below, in the Northern District of California and elsewhere, defendant

MARTIN WILLIAM WASHBURN,

having devised and intending to devise a material scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, did knowingly transmit and cause to be transmitted by means of wire, radio and television communication in interstate and foreign commerce, writings, signs, signals, pictures and sounds, to wit, WASHBURN caused the communications set forth below to be transferred by wire from Stockton, California, to the Overseas Private Investment Corporation (“OPIC”), located in Washington, D.C., for the purpose of executing the scheme to defraud and fraudulently obtaining a loan from OPIC set forth above:

COUNT	DATES	SUBSTANCE OF WIRE COMMUNICATION
TWO	September 2, 2004	Facsimile of progress report to OPIC
THREE	September 3, 2004	Facsimile of second disbursement request to OPIC
FOUR	February 28, 2005	E-mail to OPIC regarding OPIC’s tour of facilities in Estonia

All in violation of Title 18, United States Code, Section 1343.

COUNTS FIVE AND SIX: [18 U.S.C. § 1343 – Wire Fraud]

18. The allegations contained in paragraphs 1 through 15 are repeated and realleged as though fully set forth herein.

19. On or about the dates set forth below, in the Northern District of California and elsewhere, defendant

DONALD DANIELS,

having devised and intending to devise a material scheme and artifice to defraud, and to obtain

money and property by means of materially false and fraudulent pretenses, representations, and promises, did knowingly transmit and cause to be transmitted by means of wire, radio and television communication in interstate and foreign commerce, writings, signs, signals, pictures and sounds, to wit, DANIELS caused money to be transferred by wire from San Francisco, California, to a bank account located outside the United States, as set forth below, for the purpose of executing the scheme to defraud and fraudulently obtaining a loan from OPIC, as set forth above:

COUNT	APPROXIMATE DATES	SUBSTANCE OF WIRE TRANSFER
FIVE	November 3, 2003	Wire transfer of approximately \$300,000 from San Francisco, California, to Estonia.
SIX	November 11, 2003	Wire transfer of approximately \$400,000 from San Francisco, California, to Estonia.

All in violation of Title 18, United States Code, Section 1343.

COUNT SEVEN: [18 U.S.C. § 1956(h)—Conspiracy to Commit Money Laundering]

20. The allegations contained in paragraphs 1 to 15 of this Indictment are realleged as though fully set forth herein.

21. Beginning at a time unknown, but no later than in or about June 2003, and continuing to and including in or about December 2003, in the Northern District of California and elsewhere, the defendants

DONALD DANIELS,
MARTIN WILLIAM WASHBURN, and
TAPANI KOIVUNEN,

and others known and unknown to the Grand Jury, did knowingly and intentionally conspire to transport, transmit, and transfer funds from a place in the United States to a place outside the United States with the intent to promote the carrying on of specified unlawful activity (namely, mail fraud, in violation of Title 18, United States Code, Section 1341, and wire fraud, in violation of Title 18, United States Code, Section 1343), in violation of Title 18, United States Code, Section 1956(a)(2)(A), to wit, DANIELS, WASHBURN, and KOIVUNEN conspired to

1 have money transferred by wire from an account located in San Francisco, California, to a bank
 2 account located in Estonia, for the purpose of executing the scheme to defraud and fraudulently
 3 obtaining a loan from the Overseas Private Investment Corporation, as set forth above.

4 All in violation of Title 18, United States Code, Section 1956(h).

5
 6 COUNTS EIGHT AND NINE: [18 U.S.C. §§ 1956(a)(2)(A) and 2–Money Laundering
 and Aiding and Abetting]

7
 8 22. The allegations contained in paragraphs 1 to 15 of this Indictment are realleged as
 9 though fully set forth herein.

10 23. Beginning at a time unknown, but no later than in or about June 2003, and
 11 continuing to and including in or about December 2003, in the Northern District of California
 12 and elsewhere, defendants

13 DONALD DANIELS,
 MARTIN WILLIAM WASHBURN, and
 14 TAPANI KOIVUNEN,

15 and others known and unknown to the Grand Jury, did knowingly and intentionally transport,
 16 transmit, and transfer funds from a place in the United States to a place outside the United States
 17 with the intent to promote the carrying on of specified unlawful activity (namely, mail fraud, in
 18 violation of Title 18, United States Code, Section 1341, and wire fraud, in violation of Title 18,
 19 United States Code, Section 1343), to wit, DANIELS, WASHBURN, and KOIVUNEN caused
 20 money to be transferred by wire from an account located in San Francisco, California to a bank
 21 account located in Estonia, for the purpose of executing the scheme to defraud and fraudulently
 22 obtaining a loan from the Overseas Private Investment Corporation, as set forth above, and did
 23 aid and abet such conduct, as set forth below:

24 \\\

25 \\\

26 \\\

27 \\\

28 \\\

COUNT	APPROXIMATE DATES	SUBSTANCE OF TRANSFER
EIGHT	November 3, 2003	Wire transfer of approximately \$300,000 from San Francisco, California, to Estonia.
NINE	November 11, 2003	Wire transfer of approximately \$400,000 from San Francisco, California, to Estonia.

All in violation of Title 18, United States Code, Section 1956(a)(2)(A) and 2.

COUNT TEN: [18 U.S.C. § 894—Conspiracy to Collect Extensions of Credit by Extortionate Means]

24. The allegations contained in paragraphs 1 through 15 are repeated and realleged as though fully set forth herein.

25. From in or about October 2004, to and including on or about November 15, 2004, in the Northern District of California and elsewhere, the defendants

DONALD DANIELS,
MARTIN WILLIAM WASHBURN, and
SERGEI VLADIMIROVICH SHKURKIN,

and others known and unknown, did knowingly conspire to participate in the use of extortionate means to collect, and attempt to collect an extension of credit, as these terms are defined in Title 18, United States Code, Section 891, and to punish persons for the nonrepayment thereof, to wit, DANIELS, WASHBURN, and SHKURKIN agreed to threaten the use of violence and other criminal means to collect at least approximately \$600,000 from persons to whom DANIELS had made a loan, all in violation of Title 18, United States Code, Section 894.

COUNT ELEVEN: [18 U.S.C. §§ 894 and 2—Use of Extortionate Means to Collect Extensions of Credit]

26. The allegations contained in paragraphs 1 through 15 are repeated and realleged as though fully set forth herein.

27. From in or about October 2004, to and including on or about November 15, 2004, in the Northern District of California and elsewhere, the defendants

DONALD DANIELS,

MARTIN WILLIAM WASHBURN, and
SERGEI VLADIMIROVICH SHKURKIN,

and others known and unknown, unlawfully, willfully and knowingly did participate in the use of extortionate means to collect and attempt to collect an extension of credit, as these terms are defined in Title 18, United States Code, Section 891, and to punish persons for the nonrepayment thereof, to wit, DANIELS, WASHBURN and SHKURKIN threatened to use violence and other criminal means to collect at least approximately \$600,000 from persons to whom DANIELS had made a loan, all in violation of Title 18, United States Code, Sections 894 and 2.

FIRST FORFEITURE ALLEGATION: [18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)]

28. The allegations contained in Counts One through Six and Ten through Eleven of this Indictment are alleged as though fully set forth herein.

29. Upon a conviction of any of the offenses alleged in Counts One through Six and Ten through Eleven of this Indictment, the defendants

DONALD DANIELS,
MARTIN WILLIAM WASHBURN,
TAPANI KOIVUNEN,
IRINA REBEGENEAU, and
SERGEI VLADIMIROVICH SHKURKIN,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to those offenses.

30. If, as a result of any act or omission of the defendants, any of said property:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the defendant shall forfeit any and all interest that the defendant has in other property, not to

1 exceed the value of the property subject to forfeiture under this provision, pursuant to Title 21,
 2 United States Code, Section 853(p), as incorporated in Title 28, United States Code, Section
 3 2461(c).

4
 5 SECOND FORFEITURE ALLEGATION: [18 U.S.C. § 982(a)(1)]

6 31. The allegations contained in Counts Seven through Nine of this Indictment are
 7 alleged as though fully set forth herein.

8 32. Upon a conviction of any of the offenses alleged in Counts Seven through Nine of
 9 this Indictment, the defendants

10 DONALD DANIELS,
 11 MARTIN WILLIAM WASHBURN, and
 12 TAPANI KOIVUNEN,

13 shall forfeit to the United States, pursuant to Title 21, United States Code, Section 982(a)(1), any
 14 property, real or personal, involved in such offense, and any property traceable to such property.

15 33. If, as a result of any act or omission of the defendants, any of said property:

- 16 a. cannot be located upon the exercise of due diligence;
- 17 b. has been transferred or sold to, or deposited with, a third party;
- 18 c. has been placed beyond the jurisdiction of the court;
- 19 d. has been substantially diminished in value; or
- 20 e. has been commingled with other property which cannot be divided without
 21 difficulty,

22 the defendants shall forfeit any and all interest that the defendants have in other property, not to
 23 exceed the value of the property subject to forfeiture under this provision, pursuant to Title 21,

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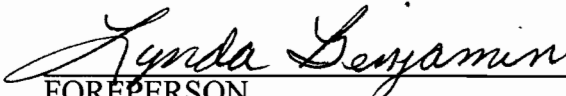
28 \\\

1 United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section
2 982(b)(1).

3
4 DATED:

A TRUE BILL


5 *October 1, 2009*

6 
7 FOREPERSON

8
9 JOSEPH P. RUSSONIELLO
10 United States Attorney

11 
12 BRIAN J. STRETCH
13 Chief, Criminal Division

14 (Approved as to form:

15 
16 AUSA Peter B. Axelrod
17 AUSA Christine Y. Wong
18 Trial Attorney Krista Tongring